

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

JOHN DOE,

Plaintiff,

v.

WILLIAMSPORT AREA SCHOOL
DISTRICT and LYCOMING
COUNTY,

Defendants.

No. 4:22-CV-01387

(Chief Judge Brann)

ORDER

OCTOBER 19, 2023

In accordance with the accompanying Memorandum Opinion, **IT IS
HEREBY ORDERED** that:

1. Defendant Williamsport Area School District's motion to dismiss (Doc. 94) is **DENIED** as to the following claims:
 - a. Title IX (Count I);
 - b. Negligence (Count IV);
 - c. Negligent infliction of emotional distress (Count VI);
 - d. Negligent failure to rescue (Count VIII).
2. Defendant Williamsport Area School District's motion to dismiss (Doc. 94) is **GRANTED**, with leave to amend, as to the following claims:

- a. 42 U.S.C. § 1983 due process and equal protection (Count II);
 - b. Negligence per se (Count VIII).
3. Defendant Williamsport Area School District's motion to dismiss (Doc. 94) is **GRANTED**, with prejudice, as to the following claims:
- a. Title IX claim for punitive or emotional distress damages (Count I);
 - b. Vicarious liability (Count III).
 - c. Civil Conspiracy (Count IX).
4. Defendant Lycoming County's motion to dismiss (Doc. 95) is **GRANTED**, with leave to amend, as to the following claims:
- a. 42 U.S.C. § 1983 equal protection (Count II);
 - b. Negligence (Count V);
 - c. Negligent infliction of emotional distress (Count VI);
 - d. Negligence per se (Count VIII).
5. Defendant Lycoming County's motion to dismiss (Doc. 95) is **GRANTED**, with prejudice, as to the following claims:
- a. 42 U.S.C. § 1983 due process (Count II);
 - b. Civil conspiracy (Count IX);
 - c. Vicarious liability (Count III);
 - d. Negligent failure to rescue (Count VIII).

6. Plaintiff may file an amended complaint within twenty-one (21) days of this Order. If no amended complaint is filed by that date, his § 1983 due process and negligence per se claims against Williamsport Area School District, and his negligence, negligent infliction of emotional distress, and negligence per se claims against Lycoming County, will be dismissed with prejudice.

BY THE COURT:

s/ Matthew W. Brann

Matthew W. Brann

Chief United States District Judge